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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,743	10/04/2000	Stefan Disch	1998/G-004	2417

7590

12/17/2001

Connolly & Hutz  
PO Box 2207  
Wilmington, DE 19899

EXAMINER
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HOKE, VERONICA P

ART UNIT	PAPER NUMBER
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1714

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DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

# Office Action Summary

Application No.

09/647,743

Applicant(s)

DISCH ET AL

Examiner

VERONICA HOKE

Art Unit

1714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 4, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 4, and 11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Claims 1 and 4 remain rejected and newly added claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over any one of Walker, Kakos, Morishita et al, Collins or Walling et al, for the reasons of record.

Each reference discloses the same oxymethylene /oxyethylene copolymers. Therefore references' copolymers must inherently manifest the same properties applicants espouse as characteristic of the similarly constituted copolymers claimed here. Colored moldings are particularly indicated by Kakos ( col.2, line 55) and "low" aldehyde emission is an objective of all the applied references' compositions.

According to Morishita plastic articles which are prepared encompass those ordinarily made heretofore from oxyethylene/oxymethylene copolymers such as articles for transporting goods. See the next to the last paragraph in the patent. It is noted that Table 1 and Table 2-1 in this patent relate that 1.4 mol % oxyethylene copolymers manifest a lower tensile strength ( reduced elongation retention). Applicants have not established that their 1.5- 2.5 % mol oxyethylene copolymers do not similarly suffer.

Moreover as indicated in the initial action references such as Walling et al fully disclose such a chemically constituted copolymer; hence the composition lacks novelty which is the first requisite for patentability. In example 8 in col.4, the 47: 1 mol ratio of oxymethylene to oxyethylene monomers ( "units") corresponds to 2.1 mol %. Ascribing certain properties to the polymerizate does not proscribe a rejection based on anticipation since applicants have not established that reference's product made by the same method does not have the properties recited in the instant

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claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

  
VERONICA F. HOKE  
PRIMARY EXAMINER

vph

December 13, 2001

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